

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**LAVERT ROBERSON, Jr. ID # 890786,**

**Petitioner,**

**VS.**

**No. 3:14-CV-4256-L (BH)**

**WILLIAM STEPHENS, Director,**

**Texas Department of Criminal**

**Justice, Correctional Institutions Division,**

**Respondent.**

**ORDER OF THE COURT ON RECOMMENDATION  
REGARDING IN FORMA PAUPERIS AND CERTIFICATE OF APPEALABILITY**

Considering the record in this case and the recommendations of the United States Magistrate Judge, and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253 (c), the court hereby finds and orders:

**IFP STATUS:**

( ) The request for leave to proceed *in forma pauperis* on appeal is GRANTED.

(X) The application for leave to proceed *in forma pauperis* on appeal is DENIED because the petitioner has not shown that he is a pauper.


(X) Although this court has denied the petitioner permission to proceed with this case *in forma pauperis* on appeal, the petitioner may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order. *See* fed. R. App. P. 24(a)(5).

**COA:**

( ) a Certificate of Appealability is GRANTED on the following issues: \_\_\_\_\_

(X) a Certificate of Appealability is DENIED. The Court hereby adopts and incorporates by reference the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed on **December 5, 2014**, in support of its finding that the petitioner has failed to show that reasonable jurists would find it debatable whether the Court was correct in recommending transferring this action to the court of appeals. *See Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); 28 U.S.C. § 2253(c)(2).

**DATE: January 15, 2015**

  
Sam A. Lindsay  
United States District Judge